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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Service Rules for the 746-764 and 776-794) WT Docket No. 99-168
MHz Bands, and Revisions to Part 27 of the)
Commission's Rules.)

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FEDERAL COMMUNICATIONS COMMISSION
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To: The Commission

REQUEST FOR CLARIFICATION

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby requests that the Commission clarify its rules adopted in the *Second Report and Order* in the above-captioned proceeding, FCC 00-90 (released March 9, 2000), regarding frequency coordination between Guard Band Managers and Public Safety Frequency Coordinators in the 700 MHz band.

APCO is the nation's oldest and largest public safety communications organization and frequency coordinator. Most of its over 14,000 members are involved in the management and operation of state and local government communications systems used by police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other public safety agencies. APCO has been a major participant in all of the Commission's proceedings concerning the allocation of spectrum and service rules for the new 700 MHz public safety band, and has been designated by the Commission as a frequency coordinator for that band.

APCO applauds the Commission's actions in the *Second Report and Order* to prevent harmful interference with public radio systems in the 764-776/794-806 MHz

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band. Specifically, APCO supports the decision to maintain Guard Bands, the establishment of strict "out-of-band emissions" limits for Guard Band licensees, and the requirement that Guard Band Managers coordinate frequency assignments with certified Public Safety Coordinators. However, as discussed below, the coordination provision must be further clarified to avoid confusion and to protect public safety communications.

The coordination rule adopted in the *Second Report and Order*, Section 27.601(d), requires that Guard Band Managers provide "notification" to Public Safety Coordinators of proposed Guard Band operations. Entities coordinated by Guard Band Managers must wait at least ten (10) days after notification before beginning operations. Standing alone, however, this rule does not provide sufficient interference protection, as it is silent as to the Guard Band Manager's obligations in the event of an objection by a Public Safety Coordinator.

The Commission stated in the *Second Report and Order*, at ¶35, that it fashioned the Guard Band Manager coordination requirement after a similar notification process that it had adopted in the *Refarming Proceeding*.¹ However, the Commission's concern in that proceeding was to provide a method of data exchange among competing coordinators in the absence of a common real-time database. Interference avoidance is not a significant issue in that context as all coordinators are required to follow the same TIA technical procedures for frequency coordination. The Guard Band/Public Safety Band interface poses a very different situation requiring more specific coordination requirements.

¹ *Second Report and Order in PR Docket 92-235*, 12 FCC Rcd 14307, 14330-36, ¶¶ 43-53 (1997).

While it is critical that there be a mechanism for Guard Band Manager and Public Safety Coordinators to exchange accurate and timely information, even more important is that the coordination process be a vehicle for preventing the potential for harmful interference. Frequency coordination involves unique circumstances and interference potentials that may not be immediately evident to a Guard Band Manager that has little or no knowledge of public safety radio systems or operations. APCO has also experienced problems with some coordinators performing incorrect or incomplete coordination analysis, and APCO is concerned that similar problems could occur with some Guard Band Managers. Therefore, it is not enough that Public Safety Coordinators know about a proposed Guard Band operation. They must also be in a position to object to such operations where there is a basis for concern that interference may occur, and Guard Band Managers must be required to hold the subject Guard Band operation in abeyance pending mutually satisfactory resolution of the Public Safety Coordinator's objection.

Coordination must also be designed to avoid potential interference with both actual public safety facilities and with future public safety facilities proposed in applications or Regional Plans. As APCO repeatedly explained in the record of this proceeding, Guard Band licensees are likely to initiate operations well before public safety systems are implemented.² Absent careful coordination at the outset, there could be a substantial reduction in spectrum availability for public safety licensees if they are forced to avoid interference with previously authorized and mature Guard Band operations in the same geographic area.

² The Commission has long recognized that public safety systems often require extended implementation periods due to the need for regional planning, administrative approvals and public funding. In addition, the interoperability requirements adopted by the Commission for the Public Safety Band may result in delays in equipment availability that do not otherwise impact the Guard Band.

Therefore, APCO requests that the Commission clarify Section 27.601(d) to specify that if a Public Safety Coordinator informs the Guard Band Manager within the ten (10) day notification period of a potential for interference with either a current or planned Public Safety Band operation, the Guard Band Manager must defer use of the subject frequencies until it and the Public Safety Coordinator reach a mutually satisfactory resolution. Such a resolution might include alternative frequency assignments in either the Guard Band or the Public Safety Band, or other technical modifications to proposed operations. If the Guard Band Manager and Public Safety Coordinator are unable to reach an agreement, either should be permitted to submit the matter to the Commission for its consideration. Under no circumstances should a Guard Band Manager allow operations to proceed pending resolution of a Public Safety Coordinator's objection.

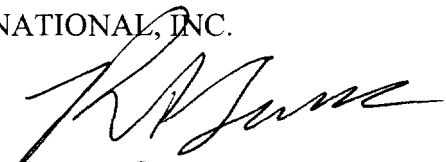
CONCLUSION

APCO supports the Commission's requirement that Guard Band Managers "coordinate" with Public Safety Coordinators. However, for the reasons discussed above, further clarification of that requirement is necessary.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
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